

## REMARKS

### STATUS OF THE CLAIMS

In accordance with the foregoing, claims 1 and 9-11 have been amended.

No new matter is being presented, and approval of the amended claims is respectfully requested.

### REASONS FOR ENTRY

Applicant requests entry of this Rule 116 Response and Request for Reconsideration because the amendments of claims 1 and 9-11 were not earlier presented because the Applicant believed in good faith that the cited prior art did not disclose the present invention as previously claimed. The amendments of claims 1 and 9-11 do not significantly alter the scope of the claims.

Further, the amendments of claims 1 and 9-11 place the application at least into a better form for appeal. The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

### REJECTIONS OF CLAIMS 1 AND 3-11 UNDER 35 U.S.C. §102(e) AS BEING ANTICIPATED BY ROBERTSON (U.S. PATENT NO. 6,609,106)

The rejections of claims 1 and 3-11 are respectfully traversed and reconsideration is requested.

In the Response to Arguments, on page 6, item 13, of the Action, the Examiner states that Robertson teaches detecting information of a configuration of the user terminal for browsing information at the user terminal, and editing information provided by the service providing server in a data format suitable for presentation in the configuration of the user terminal based on the information on the configuration of the user terminal, as recited in claim 1.

The Examiner further states that Robertson teaches that the user customizes the format in which information is to be presented, and this customization information is interpreted to be equivalent to the configuration of the user terminal, as disclosed in the present application. The

Examiner further notes that claim 1 does not specifically state that the configuration and formatting are based on the "user capabilities."

The present invention is characterized in that information is detected on a configuration of the user terminal, *to determine capabilities of the user terminal* for browsing information (e.g., presence/absence of a display, the size and resolution of a display, possibility of replay of a moving picture, and presence/absence of a loudspeaker). (See page 7, lines 8-19, of the Specification). Accordingly, independent claims 1 and 9-11 are amended to recite detecting/detects information on a configuration of the user terminal, to determine capabilities of the user terminal and, therefore, further address the Examiner's comments in the Office Action, on page 6, paragraph 13.

In contrast, as the Examiner suggests, Robertson merely teaches a brokering site 70 that stores and makes available to service providers certain user-specific customization information that can be used by the service providers to tailor their respective services to individual users (e.g., user preferences provided by the user upon registration with an online gift registry, or updated by the user via a connection between the user computer 50 and the site 70). (See column 13, lines 7-22).

Therefore, it is respectfully submitted that independent claims 1 and 9-11 patentably distinguish over the prior art.

Dependent claims 3-8 depend from claim 1 and inherit the patentability thereof. Thus, it is respectfully submitted that claims 3-8 also patentably distinguish over the prior art.

## CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. Further, all pending claims patentably distinguish over the prior art. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance.

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If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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